

UNITED STATES DISTRICT COURT

for the

Eastern District of Wisconsin

United States of America
v.
David A. Johnson xx/xx/1986

Case No. 23-m-601

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of Nov. 7, 2022, and Dec. 27-29, 2022 in the county of Marinette in the
Eastern District of Wisconsin, the defendant(s) violated:

*Code Section**Offense Description*

Title 18, United States Code,
Section 1470

Transmission of obscenity to a minor

Title 18, United States Code,
Sections 2251(a) and (e)

Attempted production of child pornography

This criminal complaint is based on these facts:

See the attached affidavit

☒ Continued on the attached sheet.

Jennifer Peterson
Complainant's signature

Special Agent Jennifer Peterson, FBI

Printed name and title

Sworn via telephone; transmitted via email
pursuant to Fed. R. Crim. 4.1

Date:

1/3/2023

City and state: Green Bay, Wisconsin

James R. Sickle
Judge's signature

Magistrate Judge James R. Sickle

Printed name and title



AFFIDAVIT IN SUPPORT OF AN ARREST WARRANT

I, Jennifer L. Peterson, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been as such since December 2008. Upon graduation from the FBI Academy in Quantico, Virginia, I was assigned to the Chicago Division until December 2019. While at that duty station I was assigned to work cases involving several violations to include violent crime, narcotics trafficking and crimes related to child exploitation, child pornography and child sex trafficking. As part of my duties, I investigated violations pertaining to the enticement of minors to engage in illegal sexual activity, attempted production of child pornography pursuant to Title 18, United States Code, Section 2251(a) and transmission of obscenity to a minor pursuant to Title 18, United States Code, Section 1470. In January 2020 I transferred to the Tucson, AZ Division where I investigated violent crimes for approximately one year and then transferred to the Milwaukee Division the end of 2020, where I continued to work child exploitation crimes. As a Special Agent of the Federal Bureau of Investigation, I am authorized to investigate violations of the criminal laws of the United States and am a law enforcement officer with the authority to execute warrants issued under the authority of the United States.

2. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other law enforcement agents, officers, and witnesses whom I believe to be truthful and reliable. This affidavit is intended to show merely that there is sufficient probable cause for the requested criminal complaint and does not set forth all of my knowledge about this matter.

3. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that DAVID A. JOHNSON, date of birth November 16, 1986, (hereinafter "JOHNSON"), committed violations of Title 18, United States Code, Section

2251(a) “attempted production of child pornography,” and Title 18, United States Code, Section 1470 “transmission of obscenity to a minor.”

Background and Probable Cause

4. On November 19, 2022, a parent reported that their minor daughter (hereinafter referred to as CV1) was involved in communicating with an adult male from Wisconsin via the Discord Application, username “NullDAJ#1797.” The conversations were sexual in nature, including the adult male talking about how to have sex with CV1, and about being sexually attracted to minors, specifically attracted to a minor in Florida, (hereinafter referred to as CV2). Upon interviewing CV1, CV1 disclosed she was involved in conversations via the Discord Application and Telegram Application with “David,” username NullDAJ#1797, along with CV2, a 15-year-old in Florida. NullDAJ#1797 revealed to CV1 through Discord messages, that his name was David Johnson, was 36 years old, and was from Marinette, Wisconsin. CV1 stated the conversations at times evolved into inappropriate sexual conversations.

5. Discord is a free Voice Over IP (VOIP), video, and text communications service and social platform. Users can communicate with voice calls, video calls, text messaging, and the sharing of media and files in private chats or as part of chat room communities called “servers.” The Discord application can be accessed on a desktop web browser, <http://discordapp.com>, or by downloading the free mobile application for Android, iOS, iPadOS, Linux, macOS, or Windows.

6. On November 28, 2022, an Emergency Disclosure Request was sent to Discord Inc. for subscriber and IP information related to Discord user “NullDAJ#1797.” Discord provided email address nullbotdaj12@gmail.com, telephone number 517-974-5457, registration date August 26, 2019, and a recent IP address of 174.102.201.213.

7. On November 28, 2022, Charter Communications was served with an Emergency Disclosure Request for IP address 174.102.201.213. Charter Communications provided the

subscriber information as DAVE JOHNSON, 326 Hattie Street, Marinette, WI 54143.

8. A review of Accurant records and records obtained from NCIC/Wisconsin for DAVID JOHNSON, 326 Hattie Street, Marinette, WI revealed DAVID ADAM JOHNSON, DOB November 16, 1986, SSAN 374-98-6475, telephone number 517-974-5457, Michigan Identification Card – J525135031878.

9. On December 2, 2022, authorization was obtained to utilize CV1's account by an FBI Online Covert Employee (OCE-6487) for continued contact with JOHNSON.

10. Through administrative subpoenas for CV2's account, CV2 was positively identified, and contact was made with law enforcement in Florida. Based on Florida investigative reports, on November 8, 2022, CV2's mother discovered CV2 was conversing with an adult male on her cell phone on various social media applications. The conversations were believed to be sexual in nature, however CV2 would not allow her mother to review the phone. CV2 disclosed to law enforcement how she met JOHNSON, how she developed a friendship at first, which then turned into an online relationship. CV2 stated she and JOHNSON shared their real names with each other, the cities they lived in, and that on the reporting date, CV2 received a naked image from JOHNSON. CV2 stated that JOHNSON was aware that she was 14 years old, having told JOHNSON on several occasions. CV2 confirmed utilizing the Telegram Application and stated that JOHNSON sent one photo of his penis. CV2 stated JOHNSON asked CV2 for naked pictures of herself but CV2 did not send any naked images.

11. Telegram (Telegram Messenger) Telegram is a globally accessible, free, cross-platform, encrypted, cloud-based and centralized instant messaging (IM) service. The application also provides optional end-to-end encrypted chats, popularly known as secret chat and video calling, VoIP, file sharing and several other features. It was launched for iOS on 14 August 2013 and Android on 20 October 2013. The servers of Telegram are distributed worldwide with five data centers in different parts of the world, while the operational center is based

in Dubai, United Arab Emirates. Various client apps are available for desktop and mobile platforms including official apps for Android, iOS, Windows, macOS, and Linux (although registration requires an iOS or Android device and a working phone number). (see [https://en.wikipedia.org/wiki/Telegram_\(software\)](https://en.wikipedia.org/wiki/Telegram_(software))).

12. On December 1, 2022, a forensic download was done of CV2's cell phone, specifically looking for Telegram conversations between CV2 and JOHNSON. JOHNSON's Telegram name was "daaaaaaavid" and there were approximately 63,733 messages and approximately 5,047 attachments between JOHNSON and CV2. The conversations originated on September 23, 2022 and ended on November 7, 2022. The following were located in the message exchange:

November 7, 2022 starting at approximately 3:37am:

(This does not include every message exchanged but illustrates the context of conversation up until obscene material was provided to a minor in violation of 18 USC 1470.)

03:37 daaaaaaavid: You would really want to see my pp?
03:37 CV2 :....MAYBE!
03:40 daaaaaaavid: As long as you won't call the cops.
03:41 CV2: hell to the NOOOOOOOYOU TOP SECRET
03:43 daaaaaaavid: I can't believe
03:43 daaaaaaavid: I'm about
03:44 daaaaaaavid: to show you
03:44 daaaaaaavid: My pp
03:44 daaaaaaavid: Lmfao it's in between hard and soft lmfao
03:44 CV2: im sooooo reay aaahah
03:44 daaaaaaavid: OHHH I'LL JUST DO IT
03:44 daaaaaaavid: You sure
03:45 CV2: hell
03:45 CV2: go for it
03:54 daaaaaaavid: I'm just scared someone going to be see it and I'm going to have the cops bustn through my door
04:04 daaaaaaavid: Lol I'm scared to sent it
04:04 daaaaaaavid: I don't want to go to to jail
04:08 CV2: im not forcing anything nor will I bring it anywhere, but if it brings you feelings of security id rather you have that than me have some picture
04:10 daaaaaaavid: I mean if you were older it wouldn't no problem bcuz we love each other
04:10 daaaaaaavid: But
04:11 daaaaaaavid: This is not that case lol

04:11 daaaaaavid: It's that shit that will get on the sex offender list
 04:15 daaaaaavid: If you were older I could send you nudes bcuz I wouldn't get in trouble
 04:23 daaaaaavid: I'm doing this bcuz I want to do this
 04:24 daaaaaavid: I'm doing this bcuz I love you

 11:48 daaaaaavid: I should just send you my pp?? Ughhh just send it and type rlly fast lmfao
 so it buries it uptop
 15:05 daaaaaavid: U want my pp
 15:05 daaaaaavid: ?
 15:07 daaaaaavid: You want me to send it
 15:07 daaaaaavid: ?
 15:07 daaaaaavid: Are you rdy for it
 15:07 daaaaaavid: hahah
 15:07 CV2: yeah
 15:07 daaaaaavid: It's gonna go inside you
 15:08 daaaaaavid: To know what you ate working with?
 15:08 daaaaaavid; OH MY GAHD THIS IS SO FUKN EMBARRASSING
 15:08 daaaaaavid: Do it David do it
 15:08 daaaaaavid: You love me right
 15:09 daaaaaavid Don't let anybody see
 15:09 daaaaaavid: Please
 15:09 CV2: why wouldn't i??! (in response to You love me right)
 15:09 daaaaaavid: DON'T SHOW NOONE
 15:09 CV2: i promise!!
 15:09 daaaaaavid: oh my god CV2 okay
 15:09 daaaaaavid: Fuk her it's is
 15:10 daaaaaavid: Oh my god
 15:10 daaaaaavid Penis image sent
 15:10 daaaaaavid: Oh my god

13. Several messages were exchanged where JOHNSON acknowledged CV2's age of 15 and JOHNSON made a comment on October 14, 2022, at approximately 18:43, "I'm so in love with you and the first thing I wanna do is fukn rail your brains out the roof of your mouth...To let you know...This mother fuker is mine... and Davey boi has already sealed his fate when he stuck his wide ass cock inside CV2's 15 year old pussy!"

OCE-6487 Contact with JOHNSON:

14. OCE-6487 initiated contact with JOHNSON on the Discord Application on or around December 6, 2022 and continued until approximately December 12, 2022, under assumed

identity of CV1. Due to the fact CV1 and CV2 reported using both the Discord and Telegram applications, OCE-6487 initiated contact with JOHNSON on Telegram, as a 14-year-old female located in Wisconsin, on or around December 15, 2022.

15. The public profile page for Telegram App username @NullDaJ provides a telephone number 517-974-5457, a number known to the affiant to be a cellular number used by JOHNSON. Also located on the profile page is the screen name “Dave Johnson” and profile photos depicting JOHNSON. JOHNSON used Telegram Messenger to communicate at times with CV1 and CV2.

16. On December 26, 2022, at approximately 18:53, the conversation with @NullDaJ continued until approximately 23:36 on the Telegram Messenger chat. @NullDaJ sent several screen shots of text communications, sexual in nature, that he exchanged with CV2, and acknowledge receiving pictures from CV2, but claimed they were not pornographic. @NullDaJ sent adult pornographic images and an adult pornographic video to OCE-6487 along with a photo of “cum soaked boxers.” @NullDaJ commented, “I could move this to solicitation of a minor,” and “Being in a relationship with an underage girl is so fukn stressful...” @NullDaJ referred to OCE-6487 as a child.

17. On December 27, 2022, starting at approximately 20:06, OCE-6487 continued a Telegram Messenger chat with @NullDaJ. Selected exchanges between OCE-6487 and @NullDaJ follow:

20:36	@NullDaJ	“Well I was never one to follow the law anyways” “Needle junkie for 13 yrs” “ I’ll obliterate a 14 yr old make her feel real good I don’t give a fuuuuk”
20:40	@NullDaJ	“In a different time line (OCE-6487) I’d be your lover treat you real good and everything... But you are 14 it’s not the law that scares me it’s a young girls love... You’d break my heart”
20:41	@NullDaJ	“Loving a minor is so fukn stressful” (referring to CV1)
21:47	@NullDaj	“WHAT ARE YOU WEARING (OCE-6487)”
21:47	OCE-6487	“What are you wearing?”

22:01 @NullDaJ "Damn (OCE-6487) is pretty GUUD at this just wanted to see some cute butt"

22:01 OCE-6487 "Is that all you want to see?"

22:05 @NullDaJ "On your knees legs spread take the camera phone snap a picture at the mirror"

22:06 OCE-6487 "What do you like to see in the pic?"

22:08 OCE-6487 "Underwear on?"

22:09 @NullDaJ "YOU'D TAKE THEM OFF AT BHBG"

22:10 @NullDaJ "I DON'T NEED YOUR FUKN FACE"

"I wanna see your goddamn thigh gap"

22:30 @NullDaJ "BABY YOU GIVE ME A NAKED SHOT I'LL CUM ALL OVER THIS FUKN PHONE"

22:30 OCE-6487 "Is that what you need?"

22:30 @NullDaJ "Oh my god"

"YESSS"

22:31 OCE-6487 "Full front or close-up?"

22:31 @NullDaJ "I'd say"

"Full front"

22:31 OCE-6487 "So ya want to see it all then?"

22:32 @NullDaJ "YAHHHH!"

22:33 OCE-6487 "My mom is still up and I def don't want to get caught sending nude pics"

22:33 @NullDaJ "Yes"

22:34 @NullDaJ "Plz no"

18. On December 29, 2022, at approximately 21:01, OCE-6487 continued a Telegram

Messenger chat with @NullDa until approximately 22:22. Selected exchanges follow:

21:01 OCE-6487 "Wyd?" (What you doing?)

21:02 @NullDaJ "Jacking off"

21:02 OCE-6487 "Really???"

21:02 @NullDaJ "Yes"

21:02 OCE-6487 "I think ur messing with me"

21:03 @NullDaJ "No"

21:04 @NullDaJ "Should of show [sic]" "You my pp"

21:04 OCE-6487 "If you want"

21:04 @NullDaJ "You really wanna see it?"

21:05 OCE-6487 "Doesn't bother me"


21:06 @NullDaJ "YOU CANT SHOW ANYONE"

21:06 OCE-6487 "I keep secrets like I told you"

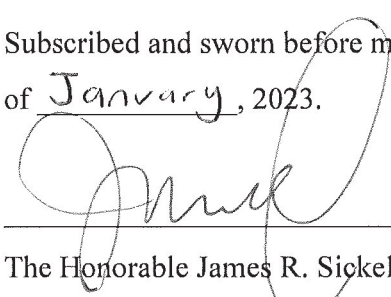
21:06 @NullDaJ "You are a wild one"

21:07 OCE-6487 "I, am angel most of the time"
21:07 @NullDaJ "Lol I'm a send it [sic]"
21:09 @NullDaJ posts two images, each depicting what appears to be an adult penis.
21:16 @NullDaJ "DON'T SEND ME TO JAIL NOW"
21:16 OCE-6487 "I'll delete if u want"
21:17 @NullDaJ "No way"
21:17 @NullDaJ "I wanna see a sexy pic (OCE)"
21:18 OCE-6487 "Oh yeah? What part you most wanna see?"
21:18 @NullDaJ "You and your ass"
21:18 OCE-6487 "Just my ass??"
21:19 @NullDaJ "Everything"

19. Based on the above-stated facts, I believe there is probable cause to believe that between approximately December 27, 2022, and December 29, 2022, in the State and Eastern District of Wisconsin, David A. Johnson, committed a violation of Title 18, United States Code, Section 2251(a) and (e), "attempted production of child pornography." I further believe there is probable cause to believe that on approximately November 7, 2022, in the State and Eastern District of Wisconsin, David A. Johnson, committed a violation of Title 18, United States Code, Section 1470, "transmission of obscenity to a minor."


Special Agent Jennifer L. Peterson
Federal Bureau of Investigation

Subscribed and sworn before me this 3rd day
of January, 2023.


The Honorable James R. Sickel
United States Magistrate Judge